

GORDON SILVER

MICHAEL N. FEDER

Nevada Bar No. 7332

Email: mfeder@gordonsilver.com

JUSTIN J. BUSTOS

Nevada Bar No. 10320

Email: jbustos@gordonsilver.com

ANJALI D. WEBSTER

Nevada Bar No. 12515

Email: awebster@gordonsilver.com

100 W. Liberty Street, Suite 940

Reno, Nevada 89501

Tel: (775) 343-7500

Fax: (775) 786-0103

ULMER & BERNE LLP

FRANCES FLORIANO GOINS (*Admitted Pro Hac Vice*)

Email: fgoins@ulmer.com

1660 West 2nd Street, Suite 1100

Cleveland, OH 44113

Tel: (216) 583-7202

Fax: (216) 583-7203

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CHINA ENERGY CORPORATION, a Nevada
corporation,

Plaintiff,

vs.

ALAN T. HILL, ELENA SAMMONS,
MICHAEL SAMMONS, THOMAS S.
VREDEVOOGD, TRUSTEE OF THE
KIMBERLY J. VREDEVOOGD TRUST UA
1007/2008, JUN HE, and RANDY DOCK
FLOYD,

Defendants.

CASE NO. 3:13-cv-00562-MMD-VPC

**STIPULATED DISCOVERY PLAN AND SCHEDULING ORDER SUBMITTED IN
COMPLIANCE WITH LR 26-1(e).**

Elena Sammons and Michael Sammons (the "Sammons"), appearing individually, and China Energy Corporation and COR Clearing, LLC ("COR"), through their attorneys of record, met and conferred pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1(d) on July 2, 2014. The

1 parties hereby submit the following Stipulated Discovery Plan and Scheduling Order for
2 discovery on the claims asserted by the first count of CEC's Complaint and by the Sammons
3 against COR in their Amended Third Party Complaint:¹

4
5 **1. Discovery cut-off date:** The discovery cut-off date for fact discovery related to the
6 first claim for relief in the original Complaint and third-party discovery will be September 19,
7 2014.

8 Expert discovery related to CEC's second claim for relief will proceed as set forth in the
9 Court's March 21, 2014, Minute Order (Dkt. No. 192).

10 **2. Amending the Pleadings and Adding Parties:** The last date to file motions to
11 amend the pleadings or add parties is August 19, 2014.

12
13 **3. Expert Disclosures:** Initial expert disclosures related to the first claim for relief in the
14 original Complaint and third-party discovery are due October 3, 2014. Rebuttal expert
15 disclosures are due on November 3, 2014. Expert depositions must be completed within thirty
16 days of the last expert disclosure.

17 The disclosure of expert witnesses and rebuttal experts with respect to CEC's second
18 claim for relief shall be suspended until the District Court enters a ruling on all dispositive
19 motions as set forth in the Court's March 21, 2014, Minute Order (Dkt. No. 192). Thereafter, the
20 parties shall within thirty (30) days after the District Court enters a ruling on all dispositive
21 motions request a case management conference before this Court. The Court and the parties will
22 then decide how best to engage in expert discovery related to the second claim for relief. (March
23 21, 2014, Minute Order (Dkt. No. 192)).

24 **4. Dispositive Motions:** Dispositive motions on the first claim for relief in the original
25 Complaint and third-party discovery must be filed either:

26
27 ¹ Third-Party Defendants Cede & Co. and The Depository Trust Company ("Cede/DTC") have executed this
28 Stipulation without waiver of the personal jurisdiction argument raised in its pending Motion to Dismiss (Doc. 152),
and with the understanding that the stay of discovery entered in favor of Cede/DTC (Doc. 205) remains in effect.

1 (1) within thirty (30) days after the discovery cut-off date unless any party discloses an
2 expert witness on or before October 3, 2014. In the event any party discloses an expert witness,
3 such dispositive motions shall be filed within thirty (30) days after the deadline to disclose
4 rebuttal experts; or

5 (2) within thirty (30) days from the date the Court decides any of the pending motions
6 for summary judgment concerning CEC's first claim for relief in the original Complaint,
7 whichever date is later.
8

9 **5. Pretrial Order:** The Joint Pretrial Order on the third-party claims is due thirty (30)
10 days after the date set for filing dispositive motions. In the event a dispositive motion is filed,
11 the date for filing the joint pretrial order shall be suspended until thirty (30) days after decision
12 of the dispositive motions or further order of the Court.

13 **6. Interim Status Report:** The parties shall submit an interim status report, in
14 compliance with Local Rule 26-3, thirty (30) days before the discovery cut-off.
15

16 **7. Miscellaneous Matters:**

17 **Initial Disclosures:** The parties shall serve their Fed. R. Civ. P. 26(a) initial disclosures
18 within fourteen (14) days after entry of this Order.
19

20 **Outstanding Discovery:** The parties shall respond to outstanding discovery by July 18,
21 2014 except for discovery to which responses are not due under the applicable rules until after
22 July 18, 2014.
23

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1 Respectfully submitted this the 31st day of July, 2014.

2
3 DATED: July 23rd, 2014.

PETER TEPLEY, admitted *pro hac vice*
MEREDITH LEES, admitted *pro hac vice*
REBECCA BEERS, admitted *pro hac vice*
RUMBERGER, KIRK & CALDWELL, P.C.
2204 Lakeshore Drive, Suite 125
Birmingham, AL 35209-6739
Telephone (205) 327-5550
Facsimile (205) 326-6786

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7
8 By: /s/ Meredith Jowers Lees
Meredith Jowers Lees

9
10 DATED: July 25th, 2014.

MICHAEL SAMMONS, appearing *Pro Se*
15706 Seekers St
San Antonio, TX 78255
210 858 6199

11
12
13 By: /s/ Michael Sammons
Michael Sammons

14 DATED: July 25th, 2014.

ELENA SAMMONS, appearing *Pro Se*
15706 Seekers St
San Antonio, TX 78255

15
16
17 By: /s/ Elena Sammons
Elena Sammons

18 DATED: July 28th, 2014.

19 EDMUND J. GORMAN JR.
ATTORNEY AT LAW, LTD
Bar No. 11581
335 W. First Street
Reno, Nevada 89503

20
21
22 By: /s/ Edmund J. Gorman
Edmund J. Gorman, Jr.

23 DATED: July 28th, 2014.

24 RANDY DOCK FLOYD, appearing *Pro Se*
4000 Goff Road
Aynor, SC 29551

25
26 By: /s/ Randy Dock Floyd
Randy Dock Floyd

1 DATED: July 28th, 2014.

RICHARD L. ELMORE
HOLLAND & HART
5441 Kietzke Lane, 2nd Floor
Reno, NV 89511

2
3
4 By: /s/ Richard L. Elmore
Richard L. Elmore

5 DATED: July 31st, 2014.

MICHAEL N. FEDER
JUSTIN J. BUSTOS
ANJALI D. WEBSTER
GORDON SILVER
100 West Liberty Street
Suite 940
Reno, Nevada 89501

6
7
8
9 By: /s/ Justin J. Bustos
Justin J. Bustos

10 DATED: July 22nd, 2014.

DANIEL T. HAYWARD, Esq.
LAXALT & NOMURA
9600 Gateway Drive
Reno, Nevada 89521

11
12
13 By: /s/ Daniel T. Hayward
Daniel T. Hayward

14 DATED: July 23rd, 2014.

JUN HE, appearing *Pro Se*
231 Split Rock Rd
The Woodlands, TX 77381

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17 By: /s/ Jun He
Jun He

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22 IT IS SO ORDERED:

23
24
25 UNITED STATES MAGISTRATE JUDGE

26
27 DATED: _____

CERTIFICATE OF SERVICE

I certify that I am an employee of GORDON SILVER, and that on this date, pursuant to FRCP 5(b), hereby certifies that she served a copy of **STIPULATED DISCOVERY PLAN AND SCHEDULING ORDER SUBMITTED IN COMPLIANCE WITH LR 26-1(e)**. via CM/ECF to the following individuals:

Richard L. Elmore, Esq.
Holland & Hart
5441 Kietzke Lane, 2nd Floor
Reno, NV 89511
*Attorney for Thomas S. Vredevoogd,
Trustee of the Kimberly J. Vredevoogd
Trust UA 1007/2008*

Michael Sammons
15706 Seekers St
San Antonio, TX 78255
Defendant in Proper Person

Edmund J. Gorman Jr.
Attorney at Law, Ltd.
335 W. First Street
Reno, Nevada 89503

Daniel T. Hayward, Esq.
LAXALT & NOMURA
9600 Gateway Drive
Reno, Nevada 89521

Bret F. Meich
ARMSTRONG TEASDALE
50 W. Liberty Street, Suite 950
Reno, NV 89501

Peter J. Tepley
Meredith Lees
Rebecca Beers
RUMBERGER KIRK & CALDWELL
2204 Lakeshore Drive, Suite 125
Birmingham, AL 35209

And by U.S. Mail, postage prepaid, to the following individuals:

Elena Sammons
15706 Seekers St
San Antonio, TX 78255
Defendant in Proper Person

Randy Dock Floyd
4000 Goff Road
Aynor, SC 29551
Defendant in Proper Person

Jun He
231 Split Rock Rd
The Woodlands, TX 77381
Defendant in Proper Person

DATED this 31st day of July, 2014.

/s/ Stephanie J. Glantz
An employee of GORDON SILVER